

N.D.A.G. Letter to Flagstad (June 30, 1986)

June 30, 1986

Mr. Mark A. Flagstad
Assistant State's Attorney
Ward County Courthouse
Minot, North Dakota 58701

Dear Mr. Flagstad:

Thank you for your letter of June 2, 1986, in which you asked whether a local governing body may issue a retail beer and wine license to an individual who agrees that he will sell no alcoholic beverages at retail on the licensed premises but will use said license only as a basis for applying for special permits pursuant to N.D.C.C. §5-02-01.1 for the purpose of catering special events.

N.D.C.C. §5-02-09 allows a local governing body to adopt resolutions that regulate and restrict the operation of licensees within its jurisdiction. Therefore, assuming that your county resolution would authorize the contemplated agreement, I believe that the county has specific authority under N.D.C.C. § 5-02-09 to enter into and enforce such an agreement.

If you have any further questions, do not hesitate to contact me.

Sincerely,

Nicholas J. Spaeth

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Enclosure

cc: LaVerne Reinbold
Gary H. Lee